

RESTORING MILITARY RETIREES' CONCURRENT RECEIPT

• Ms. LANDRIEU. Mr. President, last year I had the honor of celebrating the fifty-sixth anniversary of D-Day with thousands of U.S. Veterans in my hometown of New Orleans. Listening to these men account their travails along the Normandy shores and honoring the memories of their fallen comrades, I was stirred with a sense of awe for our country's greatest patriots, America's military veterans.

I joined historian Stephen Ambrose at the opening of our National D-Day museum, where we memorialized not only those fallen in World War II's European Theater, but in Pacific battles as well.

As we recalled General Douglas MacArthur's fateful proclamation in 1942, I shuddered with the irony of it all—MacArthur, forced to retreat off Corregidor in the Philippines for Australia, vowed, I shall return. He did, and led our Nation to the most decisive victory in modern history. MacArthur's promise was heralded as a testament to America's convictions. Our troops fulfilled their duty to our country, defeating the Axis powers resoundingly. But our country never fully fulfilled its obligations to its troops. Promised compensation for service related disabilities, U.S. veterans have been denied critical benefits owed to them.

For over one hundred years, the Pentagon has cut into military retirees' incomes, acquiring non-appropriated funds off the backs of disabled veterans. This so-called concurrent receipt issue derives from an fiscal year 1892 appropriations bill. That's right, 1892.

In the aftermath of the Mexican War, Congress had hoped to prevent veterans from burdening America's budget by acquiring more than one pension payment. At this time, some veterans were receiving retired pay, disability pension, active duty pay, and a pension based on a disability from the Mexican War of 1846–1848. Congress decided to forbid such dual compensation for either past or current service and a disability pension. The fiscal year 1892 appropriations legislation for veterans' benefits included the first prohibition of concurrent receipt.

Since its inception, Members of Congress have tried to overturn concurrent receipt prohibitions, but have failed. Indeed, in the last Congress, we began to make substantial ground in our effort. I supported an amendment to the Senate's Defense Authorization Bill to permit retired members of the Armed Forces who have a service-connected disability to receive military retirement pay concurrently with veteran's disability compensation. House conferees over this bill rejected the provision. Instead, Congress was only able to secure \$100 to \$300 monthly special compensation for severely disabled retirees.

I can only hope that this measure will be the first of several steps that

the Federal government takes to meet its commitments to our disabled military retirees. U.S. soldiers, sailors, airmen, and marines still put their lives and abilities on the line for our nation's defense. And yet, the government fails to meet its commitments in compensation. I predict that we will not overcome our services' recruiting and retention crises until we begin to restore such critical retiree benefits. In so doing, the United States will promote its national security and honor its guardians of liberty; our troops and our country deserve no less.●

TRIBUTE TO ELIZABETH SEWELL

• Mr. EDWARDS. Mr. President, I rise today to note with sadness the recent death of North Carolina author Elizabeth Sewell. Dr. Sewell succumbed to her third bout with cancer on January 12, at the age of 81.

Dr. Sewell was a writer of international renown. She authored four novels, three volumes of poetry, and 5 volumes of criticism, as well as scores of short stories.

Dr. Sewell was born in India and educated at Cambridge University in England. She made Greensboro, North Carolina her home starting in 1960 and became a citizen of the United States in 1974.

A gifted writer and thinker, Dr. Sewell studied and wrote on topics as diverse as race relations in the South, the role of the imagination in science and literature, and life in the academic world.

Her work garnered the prestigious poetry, fiction and non-fiction award from the American Academy and Institute of Arts and Letters in 1981.

Elizabeth Sewell was more than a prolific writer. She was also a talented teacher who shared her love of great literature with students in North Carolina and elsewhere.

She served as a visiting professor and writer-in-residence at Vassar College, the University of Notre Dame, and Bennett College in Greensboro. She became Joe Rosenthal Professor of Humanities at the University of North Carolina at Greensboro in 1974.

As North Carolinians, we are proud to claim Elizabeth Sewell as one of our own. All Americans—indeed, people all over the world—were privileged that she chose to share her many gifts with us.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-400. A communication from the President of the United States, transmitting, pursuant to law, the report on the budget for fiscal year 2002; referred jointly, pursuant to the order of January 30, 1975, as modified by order of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC-401. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure and Reporting of CRA-Related Agreements" (RIN1550-AB32) received on January 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-402. A communication from the Chairman of the Board of Governors, Federal Reserve System, and the Secretary of the Treasury, transmitting jointly, pursuant to law, a report on the feasibility and desirability of mandatory subordinated debt; to the Committee on Banking, Housing, and Urban Affairs.

EC-403. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interagency Guidelines Establishing Standards for Safeguarding Customer Information and Rescission of Year 2000 Standards for Safety and Soundness" (RIN1550-AB36) received on January 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-404. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency with respect to Yugoslavia; to the Committee on Banking, Housing, and Urban Affairs.

EC-405. A communication from the Senior Banking Counsel, Office of the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Subsidiaries" (RIN1505-AA85) received on January 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-406. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations for January 21, 2000" (65 FR 80362) received on January 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-407. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations for December 21, 2000" (65 FR 80364) received on January 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-408. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Bank Holding Companies and Change in Bank Control" (Docket No. R-1065) received on January 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-409. A communication from the Senior Banking Counsel, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Merchant Banking Investments" (RIN1505-AA78) received on January 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-410. A communication from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure and Reporting of CRA-Related Agreements" (RIN1550-AB32) received on January 12, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-411. A communication from the Deputy Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relating to the update of management reform efforts for 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-412. A communication from the Secretary of the Division of Investment Management, Office of Disclosure Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Company Names" (RIN3235-AH11) received on January 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-413. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Discontinuation of the Section 221(d)(2) Mortgage Insurance Program" ((RIN2502-AH50)(FR-4588-F-02)) received on January 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-414. A communication from the Secretary of the Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Mutual Fund After-Tax Returns" (RIN3235-AH77) received on January 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-415. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Determining Adjusted Income in HUD Programs Serving Persons with Disabilities: Requiring Mandatory Deductions for Certain Expenses; and Disallowance for Earned Income" ((RIN2501-AC72)(FR-4608-F-02)) received on January 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-416. A communication from the President of the United States, transmitting, pursuant to law, a report relating to lifting and modifying measures with respect to the Federal Republic of Yugoslavia; to the Committee on Banking, Housing, and Urban Affairs.

EC-417. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the prohibition of importing rough diamonds from Sierra Leone; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. ROCKEFELLER, Mr. INOUE, Mr. CLELAND, Mr. SARBANES, Ms. MIKULSKI, Mr. KOHL, Mr. HARKIN, Mr. BAUCUS, Mr. JEFFORDS, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. KENNEDY, Mr. EDWARDS, Mr. REED, Mr. BINGAMAN, Mr. JOHNSON, and Mr. DASCHLE):

S. 177. A bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself, Mr. HARKIN, Mr. FEINGOLD, Mr. CONRAD, and Mr. DORGAN):

S. 178. A bill to permanently reenact chapter 12 of title 11, United States Code, relating to family farmers; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 179. A bill to amend the Internal Revenue Code of 1986 to phase in a full estate tax deduction for family-owned business inter-

ests and to increase the unified credit exemption; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. FEINGOLD, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. DEWINE, Mr. SANTORUM, Mr. CLELAND, and Mr. SESSIONS):

S. 180. A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

By Mr. SHELBY:

S. 181. A bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 182. A bill to amend the Small Business Act with respect to the microloan program; to the Committee on Small Business.

By Ms. SNOWE:

S. 183. A bill to enhance Department of Education efforts to facilitate the involvement of small business owners in State and local initiatives to improve education; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 184. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 185. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 186. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. GRASSLEY):

S. 187. A bill to establish the position of Assistant United States Trade Representative for Small Business, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Ms. COLLINS (for herself and Mrs. BOXER):

S. 188. A bill to amend the Internal Revenue Code of 1986 to modify the tax credit for electricity produced from certain renewable resources; to the Committee on Finance.

By Mr. BOND:

S. 189. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 190. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 191. A bill to abolish the death penalty under Federal Law; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 192. A bill to amend title 9, United States Code, with respect to consumer credit transactions; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself, Mr. HARKIN, Mr. FEINGOLD, Mr. CONRAD, and Mr. DORGAN):

S. 178. A bill to permanently reenact chapter 12 of title 11, United States Code, relating to family farmers; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, I rise today along with Senators HARKIN, FEINGOLD, CONRAD, and DORGAN to introduce legislation that would make permanent Chapter 12 of the U.S. Bankruptcy Code.

Chapter 12, the Chapter of the Bankruptcy Code designated for farmers, provides critical protection for family farmers who find themselves in desperate economic circumstances. Ideally, the goal of federal farm policy should be to sustain the ability of family farmers to produce and sell a competitive product, to preserve healthy and viable rural communities and to keep family farmers out of bankruptcy. However, when farmers are forced to seek bankruptcy protection, Chapter 12, because it is tailored specifically to farmers, often allows the farmer to keep his or her farm while reorganizing debt and making payments to creditors.

Extension of Chapter 12 is made all the more urgent by the current state of the farm economy. Prices are now so low that many family farmers are lucky to stay in business as market prices are lower than their cost of production. The value of field crops is expected to have been more than 24 percent lower in 2000 than it was in 1996—42 percent lower for wheat, 39 percent lower for corn, and 26 percent lower for soybeans. But farmers' expenses are not falling by the same amount. In fact, they are not falling at all. Farmers cannot maintain cash flow if their selling prices are falling through the floor while their buying prices are shooting through the roof.

Chapter 12 expired on June 30th of last year. Efforts last year to extend it or to make it permanent were held hostage to controversial bankruptcy "reform" legislation and, as a result, Congress adjourned in December without taking any action to reinstate this critical safety net. This legislation would make Chapter 12 a permanent part of the code, eliminating the need for future extensions. It is also retroactive to July 1, 2000.

I hope that in the 107th Congress we can stop using farmers as pawns in the debate over bankruptcy reform. Permanent Chapter 12 is completely noncontroversial. We could pass this bill by unanimous consent tomorrow, and we should. I note that a nearly identical measure has been introduced in the House by Congressman NICK SMITH. Given that the House last year passed two chapter 12 extensions which the Senate declined to act on, if the Senate this year took leadership on this issue and passed this bill, the House would swiftly follow. Farmers have been